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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,092	11/05/2001	James H. Bucksbee	IR-2860(MT)	9463

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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,092

Applicant(s)

BUCKSBEE, JAMES H.

Examiner

Melody M. Burch

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "26" and "20" have both been used to designate a base. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Examiner notes that element 20 is described as the first structural member which may be a base. Element 26 is also a base. Since some of the claims make reference to a base, Examiner recommends using language to clearly differentiate one base from the other.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of the load bearing member having a substantially circular cross section must be shown or the feature(s) canceled from the claim(s). Examiner notes that the drawings show and disclose a substantially elliptical cross section. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

***Specification***

4. The abstract of the disclosure is objected to because the use of the word "disclosed" in line 1 of the abstract is improper. Correction is required. See MPEP § 608.01(b).
5. The disclosure is objected to because of the following informalities: the phrase "between respective wall and inner member 40 and 60 and 46 and 80" in lines 14-15 of pg. 13 should be reworded.

Appropriate correction is required.

***Claim Objections***

6. Claims 1 and 25 are objected to because of the following informalities: the phrase "a load bearing member removable located" first claimed in line 3 of claim 1 should be changed to --a load bearing member removably located--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with 112 issues including but not limited to:

Re: claims 1, 23, and 25. The phrase "the contact portions of the load bearing member and rebound member" first claimed in lines 7-8 of claim 1 is indefinite. The phrase reads as if the load bearing member and the rebound member have a plurality of contact portions, however, earlier recitations state that the load bearing member and the rebound member have "a load bearing member contact portion" and a "rebound member contact portion", respectively. Examiner recommends such language as --the contact portion of the load bearing member and the contact portion of the rebound member--.

Re: claim 2. Claim 2 recites the limitation "the load bearing section" and "the rebound section" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Re: claims 4 and 6. Claims 4 and 6 recite the limitation "the resilient members" in line 1 and 2, respectively. There is insufficient antecedent basis for this limitation in the claims.

Re: claims 5, 7, and 8. Claims 5, 7, and 8 recite the limitation "the inner rigid members" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Re: claims 9 and 10. The phrase "the load bearing and rebound members are comprised of materials having different stiffness" is indefinite. It is unclear to the Examiner whether Applicant intends to claim that the load bearing member material is different from that of the rebound member or that the materials (inner rigid material and resilient material) that make up both the load bearing member and the rebound member

are different. A similar issue arises with the limitation of the materials having the same stiffness. Clarification is required.

Re: claim 19. Claim 19 recites the limitation "said base" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Re: claim 20. Claim 20 recites the limitation "the base" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Re: claim 21. Claim 21 recites the limitation "the base and barrel" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Re: claim 22. Claim 22 recites the limitation "the inner rigid member and the outer resilient member" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Re: claim 22. The phrase "the outer resilient member comprising the load bearing and rebound members" is indefinite. The claim reads as if the load bearing and rebound members make up the outer resilient member.

Re: claim 23. Claim 22 recites the limitation "the bulge cavity" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. Claims 1-10, 15, 16, 22, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 2232667 to Saurer.

Re: claims 1, 3, 5, 7, 8, 15, 16, 22, and 25. Saurer shows in figure 8 a mount comprising: a housing 99,140 that defines a first chamber shown above element 140 and a second chamber shown below element 140, a load bearing member 142,143,146 removably located in the first chamber, the load bearing member comprising a load bearing contact portion shown at the bottom of element 146, a rebound member 143a,144 removably located in the second chamber, the rebound member having a rebound member contact portion shown at the top of element 143a, the contact members being in abutment when the members are removably located in the chambers, and means 147 for coupling the load bearing member and rebound member.

Re: claim 2. Saurer shows in figure 8 the load bearing member and the rebound member comprising inner rigid members 143,146 and 143a, respectively and outer resilient members 142 and 144, respectively.

Re: claim 4. Saurer shows in figure 8 the limitation wherein the resilient members of the load bearing member and rebound member comprise peripheral portions, the peripheral portions being in abutment via element 140.

Re: claim 6. Saurer show the limitation wherein the housing defines a seat 140, and wherein the resilient members of the load bearing member and the rebound member comprise peripheral portions, the peripheral portions being located on the seat as shown in figure 8.

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Re: claim 9. As best understood, Saurer shows in figure 8 the limitation wherein the load bearing and rebound members are comprised of materials having different stiffness – the material of inner rigid members 143,143a has a different stiffness than the material of the resilient members 142,144.

Re: claim 10. As best understood, Saurer shows the load bearing and rebound members being comprised of materials having substantially the same stiffness – both the resilient members 142,144 of the load bearing and rebound members, respectively being made of the same material – rubber.

Re: claim 1. (second interpretation) Saurer shows in figure 8 a mount comprising: a housing 99,140 that defines a first chamber shown above element 140 and a second chamber shown below element 140, a load bearing member 142 removably located in the first chamber, the load bearing member comprising a load bearing contact portion shown at the bottom of element 142, a rebound member 144 removably located in the second chamber, the rebound member having a rebound member contact portion shown at the top of element 144, the contact members being in abutment via element 140 when the members are removably located in the chambers, and means 147 for coupling the load bearing member and rebound member.

Re: claim 24. (based on second interpretation) Saurer shows in figure 8 the load bearing member comprising a support surface (shown abutting elements 143 and 146), and wherein alignment members 143 and 146 are provided along the support surface.

11. Claims 1-3, 5, 9, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4399987 to Cucelli et al.



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Re: claims 1-3, 5, 9. Cucelli et al. show in figure 1 a mount comprising: a housing shown in the area of line associated with element number 10 that defines a first chamber shown above element 46a and a second chamber shown below element 46a, a load bearing member 24,20 removably located in the first chamber, the load bearing member comprising a load bearing contact portion shown at the bottom of element 24, a rebound member 44,46a removably located in the second chamber, the rebound member having a rebound member contact portion shown at the top of element 44, the contact members being in abutment when the members are removably located in the chambers, and means 28 for coupling the load bearing member and rebound member.

Re: claim 17. Cucelli et al. show in figure 1 the limitation wherein portions of the load bearing member (the lower part of element 24) and rebound member (bottom surface of element 46a) are located in the respective first and second chambers and portions of the load bearing (upper part of element 24) and rebound members (top surface of element 46a) are located outside the respective first and second chambers.

12. Claims 1-3, 5-10, 15, 16, 17, 18, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 2179959 to Schroedter.

Re: claims 1-3, 5-10, 15, 16, 17 and 25. Schroedter shows in figure 4 a mount comprising: a housing 6 that defines a first chamber shown in the upper part of element 6 and a second chamber shown in the lower part of element 6, a load bearing member 7,11 removably located in the first chamber, the load bearing member comprising a load bearing contact portion shown at the bottom of element 7, a rebound member 8,12 removably located in the second chamber, the rebound member having a rebound

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member contact portion shown at the top of element 8, the contact members being in abutment when the members are removably located in the chambers (and when the members have reached their maximum insertion limits under maximum loading), and means 9 for coupling the load bearing member and rebound member.

Re: claim 18. Schroedter shows the housing being unitary and further comprising a barrel shown in the area of the lines associated with element numbers 6 and a base (similar base shown in figure 5 in the area of the line associated with element number 13).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saurer in view of US Patent 5996981 to Dilling in view of US Patent 3584858 to Beck. Dilling teaches in figures 9 and 10 the use of a load bearing member having a cross-section with an area variable along a mount axis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the load bearing member of Saurer to have included a cross-section with an area variable along a mount axis, as taught by Dilling, in order to provide a means of preventing stress and strain concentrations in the vicinity of where the load bearing member is bonded to the load transmitting/receiving surfaces. Beck teaches in col. 4 lines 42-45 the use of

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mountings having circular or elliptical cross sections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the cross-section of the load bearing member of Saurer to have been circular or elliptical, as taught by Beck, based on spatial and manufacturing constraints in order to provide alternate load bearing member designs.

15. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cucelli et al. in view of US Patent 5996981 to Dilling in view of Beck. Dilling teaches in figures 9 and 10 the use of a load bearing member having a cross-section with an area variable along a mount axis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the load bearing member of Cucelli et al. to have included a cross-section with an area variable along a mount axis, as taught by Dilling, in order to provide a means of preventing stress and strain concentrations in the vicinity of where the load bearing member is bonded to the load transmitting/receiving surfaces. Beck teaches in col. 4 lines 42-45 the use of mountings having circular or elliptical cross sections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the cross-section of the load bearing member of Cucelli et al. to have been circular or elliptical, as taught by Beck, based on spatial and manufacturing constraints in order to provide alternate load bearing member designs.

16. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroedter in view of US Patent 5996981 to Dilling in view of Beck. Dilling teaches in figures 9 and 10 the use of a load bearing member having a cross-section with an area

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variable along a mount axis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the load bearing member of Schroedter to have included a cross-section with an area variable along a mount axis, as taught by Dilling, in order to provide a means of preventing stress and strain concentrations in the vicinity of where the load bearing member is bonded to the load transmitting/receiving surfaces. Beck teaches in col. 4 lines 42-45 the use of mountings having circular or elliptical cross sections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the cross-section of the load bearing member of Schroedter to have been circular or elliptical, as taught by Beck, based on spatial and manufacturing constraints in order to provide alternate load bearing member designs.

17. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroedter in view of US Patent 5147552 to Hodgson et al. Hodgson et al. teach in figure 1 a mount comprising a base 12,32 that is H-shaped and that comprises at least three attachment flanges 30,32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the base of Schroedter to have included an H-shaped base, as taught by Hodgson et al., in order to provide an appropriate base configuration to accommodate a plurality of attachment means to facilitate the connection of the mount to a structure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the base of Schroedter to have included at least three attachment flanges, as

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taught by Hodgson et al., in order to provide a means of more securely attaching the mount to a structure.

18. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cucelli et al. in view of Schroedter.

Re: claim 18. Cucelli et al. describe the invention substantially as set forth above including the limitation of the housing comprising a barrel shown in the area of element 12 and a base 14, the first and second chambers being defined by the barrel, but does not disclose the limitation of the housing being unitary. Schroedter teaches in figure 4 the use of a mount having a unitary housing 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the housing of Cucelli et al. to have been unitary, as taught by Schroedter, in order to provide an alternate means of fabricating the housing depending on manufacturing and cost constraints.

19. Claims 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cucelli et al. in view of Schroedter in view of US Patent 5147552 to Hodgson et al.

Re: claim 20. Hodgson et al. teach in figure 1 a mount comprising a base 12,32 that comprises at least three attachment flanges 30,32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the base of Cucelli et al. to have included at least three attachment flanges, as taught by Hodgson et al., in order to provide a means of more securely attaching the mount to a structure.

Re: claim 21. Cucelli et al. show in figure 1 the limitation wherein arms 16,48 extend (axially) between the base and the upper portions of the barrel.

Re: claim 23. Cucelli et al. show in figure 1 the limitation wherein the bulge cavity or area between 46a and 44 is defined adjacent the rebound member and load bearing member contact portions.

### ***Conclusion***

20. In order to complete the record, it should be noted that no conflict appears to presently exist between the subject matter defined by the instant claims and the subject matter of the claims of applicant's and/or assignee's US Patent no. 6450474 to Bucksbee has been made of record. Accordingly, no double patenting rejection is entered into the instant application. See MPEP 804+ concerning double patenting type of rejections, if necessary. Applicant and/or assignee should maintain this clear line of patentable distinction between the instant claims and the claims of the indicated patent application.

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 3809427 to Bennett, 2976080 to Moore, 2482488 to Julien, 3951477 to Townshend, 5286132 to Morini, 2522032 to Gerry, 4460168 to Obadal, US Patent 4962915 to Thorn, and JP-3287405 teaches similar mounts having inner members including inner rigid members and outer resilient members. US Patent 3391892 to Neidhart et al. teaches the use of resilient members in a mount being compressed under a load, and US Patent 5718407 to Lee teaches the use of a mount having an elliptical cross section.

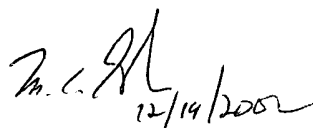
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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*mmb* 12/18/02  
mmb  
December 18, 2002

  
12/14/2002  
MATTHEW C. GRAHAM  
PRIMARY EXAMINER  
GROUP 310